

ORDINANCE

TO AUTHORIZE STREET PERFORMERS TO PERFORM FOR COMPENSATION IN PUBLIC SPACE AND TO SET THE TERMS AND CONDITIONS OF PERFORMANCE BY AMENDING CITY CODE CHAPTER 36, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VI, "PARADES, EVENTS, BLOCK PARTIES, PERFORMANCES, FILMING AND PICKETING" OF THE CODE OF ORDINANCES

WHEREAS, street performers provide for activity and entertainment on sidewalks, plazas, and parks across the world and in doing so enhance the quality of life in an urban environment; and

WHEREAS, a destination point where there are restaurants, recreation facilities, and entertainment venues in the vicinity can become an improved destination point for economic development purposes when active street entertainment is present; and

WHEREAS, street entertainers customarily expect gratuities for their work from members of the public who value the free entertainment, and a sustainable venue for street entertainment requires that performers be afforded a reasonable opportunity to invite and accept such gratuities; and

WHEREAS, there is also a public need to afford members of the public to traverse streets, sidewalks, plazas, and parks without unwanted obstruction or interference and without begging for gifts, payments, or consideration for services which were not sought or requested;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that Chapter 36, "Streets, Sidewalks, and Other Public Places," Article VI, "Parades, Events, Block Parties, Performances, Filming, and Picketing," of the City Code shall be amended as follows:

Section 1. Definitions added. City Code Section 36-133, "Definitions," shall be amended to include the following terms with the definitions provided here:

Street performance means acting, singing, playing one or more musical instruments, dancing, miming, juggling, unicycling, stilt walking, doing magic tricks, reciting, imitating statues, and engaging in similar acts of entertainment when done on a city owned or controlled sidewalk, plaza, park, or similar public space.

Street performer means someone who engages in street performances.

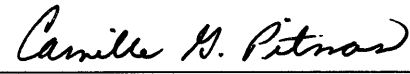
Section 2. Street performances section added. There shall be added to the Code of Ordinances a new section, which shall be Section 36-143, "Street performances." The new section shall contain the provisions in the attached exhibit which is incorporated herein.

Section 3. Effective date. This Ordinance shall become effective upon second reading by City Council.

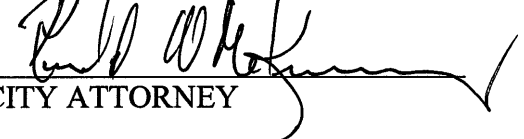
DONE, RATIFIED AND PASSED THIS THE 29 DAY OF May, 2012.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:


CITY MANAGER

EXHIBIT**Sec. 36-143 - Street performances**

(a) *street performances authorized.* A street performer, as defined in section 36-133, may engage in a street performance as defined in section 36-133, on city owned or operated sidewalks, plazas, parks and other public places - other than vehicular areas in streets and motor vehicle parking lots - so long as the street performer obtains a street performance permit pursuant to this section and complies with the provisions of this section. A street performer acting in compliance with this section does not need any other permit required under this article and is not subject to rules and regulations applicable to other special events as provided for in this article.

(b) *permit requirements.* No street performer may engage in street performances without first obtaining a street performance permit from the city manager or the manager's designee, in accordance with reasonable administrative procedures established by the city manager. The information required on a permit application shall be that which reasonably relates to the performer's identity and current contact information and which specifies the type of performance activities the performer intends to provide. Each applicant must also submit a criminal records check from the Greenville Police department. The city reserves the right to deny a permit with a conviction for an act that would represent a potential threat to public safety or security for a viewing audience. Each street performance permit applicant must complete a permit application at least twenty-four (24) hours prior to the first street performance of the permit's term.

(c) *permit term.* The permit shall be valid from the time of issuance until the next March 15. Thereafter the permit may be renewed on or before each March 15 upon the completion of a new application and payment of the standard permit fee.

(d) *permit fee.* The city manager shall from time to time set a standard fee adequate to cover or offset the administrative costs of processing a permit application, issuing a permit, maintaining a file on current and inactive permits, and assuring compliance. The permit and the permit fee under this section are in lieu of any other license, permit, tax, or fee, otherwise required by the City for the conduct of performances or the receipt of revenue for performances.

(e) *permit appearance and display.* Each permit shall include a current photograph, which shall be passport size, as submitted by the street performer applicant in the most recent application. The permits shall be numbered and contain the name of the permitted street performer. The city shall laminate permits at the time of issuance. Street performers shall keep the permits prominently displayed on their persons, or at the place of performance, during the time of performance.

(f) *nontransferable.* Permits are issued to individuals only, even if two or more permittees perform as a group. No permittee may transfer an issued permit to another person.

(g) *excluded areas.* Street performances are not permitted within fifty feet of the structure which is a school, hospital, funeral home, or court house and which is designated as such. No performance may occur within fifty feet of the property line of a cemetery. No performance shall

occur within an encroachment area for dining on a public sidewalk. No performance activity shall interfere with or impede the flow of pedestrian traffic at a crosswalk, building entrance, private patio, curb cut, or entrance into an encroachment area for dining. No performance activity shall be allowed in a special event area permitted by the city without the express written authorization of the event sponsor. No street performer may perform within fifty feet of another street performer; however, this provision shall not preclude street performers who are performing together from performing in close proximity to one another. In addition: the city after at least ten days' published notice in a newspaper of general circulation and a posting of notice at or near the proposed site, may hold a public hearing to receive comments on whether to exclude additional sites at which street performances shall be excluded. Persons may also submit written comments. The manager shall assess such information thereby developed and may exclude additional sites for good cause related to public safety, public health, public peace, or the peaceful enjoyment of nearby premises.

(h) *excluded performances.* Performances with flames or fireworks are excluded unless the performer first obtains a written authorization from the fire marshal setting forth the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with knives, daggers, swords, and like sharp instruments are excluded unless written authorization is first obtained from the police department setting the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with chalk drawings on sidewalks are excluded unless the performer first obtains the written authorization, if any is to be granted, from the public works director, setting conditions for the time, place and manner of the performance. The use of animals is excluded. Where written authorizations are required under this subsection, the performer shall maintain them at the location of the performance at all times during the performance.

(i) *times of performance.* Permitted street performances may occur between 10:00 AM and 9:00 PM 10:00 P.M. all days of the week.

(j) *gratuities.* No performer may solicit payment from any individual before, during, or after a performance. However, a performer may invite a group as a whole to show appreciation for the performance at the end of a performance by placing money in a designated receptacle of any reasonable size that it does not block pedestrian traffic at the performance site. The receptacle may remain open before, after, and during the performance and may have with it a sign which invites gratuities, provided the sign is no larger than twelve inches by eighteen inches. The use of such open receptacles evidencing intent to receive money is prohibited unless a street performance is in preparation, underway, or just concluded.

(k) *amplified sound.* ~~No street performer may use amplified sound in performing or advertising for a street performance~~

sound level and amplification. All street performers in conducting street performance activities shall be subject to the City's noise ordinance contained in City Code §§ 16-91, et seq. Performances with sound amplification are excluded unless the city manager or the city manager's designee issuing permits determines that the amplification is necessary or proper for the musical or other sound component of a performance and that reasonable steps are being taken as described in the permit to avoid the likelihood of undue public disturbance.

Necessary or proper amplification includes, but is not limited to, background musical accompaniment for dancing, juggling, singing, or the like, as well as amplification for flute, piccolo, and other low volume wind instruments needing amplification to be heard outside.

(l) *disturbance and interference.* No person shall willfully and maliciously interfere with or disturb a permitted street performer engaged in a street performance. No street performer shall engage in acts that would disturb a person of normal sensibilities. Nothing in this provision shall be interpreted to preclude benign or jovial interaction between street performers and members of the audience.

(m) *sidewalk blockage.* Whenever the audience gathering around a street performance is of such size or configuration as to block or unduly impede safe pedestrian movement on sidewalks, plazas, parks, or similar public space, then a police officer may direct members of the audience to keep space open for pedestrians or – if necessary - direct the performer to move to a nearby location where there is less likely to be an undue interference with the movement of pedestrians.

(n) *the sale of goods.* No street performer may sell or offer for sale t-shirts, toys, cd's, or any other goods, unless the goods so sold relate to the performer's authorized activities under the street performer's permit. All street performers electing to offer such goods for sale shall without obtaining obtain a street vendor's license and abiding abide by the terms of the license. However, a street performer is not required to rent a cart, select a specific site, or pay for space rental.

(o) *insurance.* Based on the character of the permitted performances, the City may determine that liability insurance is needed to address claims of injury and damage sustained by members of the public at large, owners and occupants of real property, and the City. Such policies by certificate shall name the City as an additional insured.

~~(e)~~(p) *violations.* Any person violating this section shall be subject to §1-5, the general penalty clause. In addition, and separate from any proceeding in the municipal court, the city manager may suspend or revoke the permit of any permitted street performer determined by the city manager to have violated this section two or more times within a six month period. Such suspension or revocation must be preceded with written notice sent to the address listed on the current permit's completed application or hand delivered to the recipient by a law enforcement officer. Such notice must provide at least ten days' notice of a hearing before the city manager or a hearing officer appointed by the city manager.